

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, the STATE
of NEW YORK, and the CITY of NEW YORK,
ex rel. HYUN YU, Pharm.D.,

Plaintiff,

- against -

NUCARE PHARMACY WEST, LLC,
THOMAS WEBSTER, M.D., LEONARD
MEGGS, M.D., NAHESI LAMBERT-DOORN,
M.D., HAFIZULLAH EBADY, DELA
SAIDAZIM, DAVID GARY BISHOFF, and
BRYCEN KAY MILLETT,

Defendants.

Case No. 1:19-cv-06466 (EK) (CLP)

**FALSE CLAIMS ACT
ANSWER TO FIRST AMENDED
COMPLAINT**

**DEFENDANT HAFIZULLAH EBADY ANSWER
TO AMENDED COMPLAINT**

For the Answer to the Amended Complaint filed by Plaintiff on May 18, 2023 (the “Amended Complaint”), Defendant Hafizullah Ebady in response to each of the corresponding paragraphs of the Amended Complaint, states as follows:

NATURE OF THE ACTION

1. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 1 of the Amended Complaint.

2. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 2 of the Amended Complaint.

3. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 3 of the Amended Complaint.

4. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 4 of the Amended Complaint.

5. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 5 of the Amended Complaint.

6. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 6 of the Amended Complaint.

7. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 7 of the Amended Complaint.

8. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 8 of the Amended Complaint.

9. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 9 of the Amended Complaint.

10. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 10 of the Amended Complaint.

Parties

A. Relator – Dr. Yu

11. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 11 of the Amended Complaint.

12. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 12 of the Amended Complaint.

B. NuCare Pharmacy West, LLC

13. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 13 of the Amended Complaint.

14. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 14 of the Amended Complaint.

C. Dr. Thomas Webster

15. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 15 of the Amended Complaint.

16. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 16 of the Amended Complaint.

17. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 17 of the Amended Complaint.

18. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 18 of the Amended Complaint.

D. Dr. Leonard Meggs

19. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 19 of the Amended Complaint.

20. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 20 of the Amended Complaint.

21. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 21 of the Amended Complaint.

22. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 22 of the Amended Complaint.

23. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 23 of the Amended Complaint.

24. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 24 of the Amended Complaint.

E. Dr. Nahesi Lambert-Doorn

25. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 25 of the Amended Complaint.

26. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 26 of the Amended Complaint.

27. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 27 of the Amended Complaint.

F. Hafiz Ebady

28. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 28 of the Amended Complaint.

29. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 29 of the Amended Complaint.

30. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 30 of the Amended Complaint.

31. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 31 of the Amended Complaint.

G. Dela Saidazim

32. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 32 of the Amended Complaint.

33. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 33 of the Amended Complaint.

34. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 34 of the Amended Complaint.

35. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 35 of the Amended Complaint.

36. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 36 of the Amended Complaint.

H. Brycen Millett

37. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 37 of the Amended Complaint.

38. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 38 of the Amended Complaint.

39. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 39 of the Amended Complaint.

40. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 40 of the Amended Complaint.

41. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 41 of the Amended Complaint.

42. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 42 of the Amended Complaint.

43. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 43 of the Amended Complaint.

I. David Bishoff

44. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 44 of the Amended Complaint.

45. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 45 of the Amended Complaint.

46. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 46 of the Amended Complaint.

47. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 47 of the Amended Complaint.

48. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 48 of the Amended Complaint.

49. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 49 of the Amended Complaint.

50. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 50 of the Amended Complaint.

JURISDICTION AND VENUE

51. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 51 of the Amended Complaint.

52. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 52 of the Amended Complaint.

53. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 53 of the Amended Complaint.

54. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 54 of the Amended Complaint.

55. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 55 of the Amended Complaint.

56. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 56 of the Amended Complaint.

57. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 57 of the Amended Complaint.

FACTS

I. Governing Laws

A. The Federal False Claims Act

58. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 58 of the Amended Complaint.

59. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 59 of the Amended Complaint.

60. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 60 of the Amended Complaint.

61. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 61 of the Amended Complaint.

62. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 62 of the Amended Complaint.

B. The New York State False Claims Act

63. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 63 of the Amended Complaint.

64. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 64 of the Amended Complaint.

65. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 65 of the Amended Complaint.

66. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 66 of the Amended Complaint.

67. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 67 of the Amended Complaint.

C. The Federal Health Benefit Program

68. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 68 of the Amended Complaint.

69. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 69 of the Amended Complaint.

II. The Fake Prescriptions Scheme

A. Medication Orders in Lieu of Legal Prescriptions

70. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 70 of the Amended Complaint.

71. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 71 of the Amended Complaint.

72. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 72 of the Amended Complaint.

73. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 73 of the Amended Complaint.

74. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 74 of the Amended Complaint.

75. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 75 of the Amended Complaint.

76. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 76 of the Amended Complaint.

77. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 77 of the Amended Complaint.

78. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 78 of the Amended Complaint.

79. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 79 of the Amended Complaint.

80. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 80 of the Amended Complaint.

81. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 81 of the Amended Complaint.

B. The Medication Orders

82. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 82 of the Amended Complaint.

83. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 83 of the Amended Complaint.

84. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 84 of the Amended Complaint.

85. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 85 of the Amended Complaint.

86. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 86 of the Amended Complaint.

87. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 87 of the Amended Complaint.

88. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 88 of the Amended Complaint.

89. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 89 of the Amended Complaint.

90. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 90 of the Amended Complaint.

91. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 91 of the Amended Complaint.

92. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 92 of the Amended Complaint.

93. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 93 of the Amended Complaint.

C. The Telemarketing Component

94. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 94 of the Amended Complaint.

95. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 95 of the Amended Complaint.

96. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 96 of the Amended Complaint.

97. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 97 of the Amended Complaint.

98. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 98 of the Amended Complaint.

99. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 99 of the Amended Complaint.

100. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 100 of the Amended Complaint.

101. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 101 of the Amended Complaint.

102. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 102 of the Amended Complaint.

103. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 103 of the Amended Complaint.

a. Patient LZ

104. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 104 of the Amended Complaint.

105. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 105 of the Amended Complaint.

106. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 106 of the Amended Complaint.

b. Patient ET

107. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 107 of the Amended Complaint.

108. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 108 of the Amended Complaint.

109. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 109 of the Amended Complaint.

c. Patient WK

110. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 110 of the Amended Complaint.

111. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 111 of the Amended Complaint.

112. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 112 of the Amended Complaint.

D. The Prescription Transfer Component

113. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 113 of the Amended Complaint.

114. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 114 of the Amended Complaint.

115. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 115 of the Amended Complaint.

116. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 116 of the Amended Complaint.

117. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 117 of the Amended Complaint.

118. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 118 of the Amended Complaint.

119. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 119 of the Amended Complaint.

120. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 120 of the Amended Complaint.

121. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 121 of the Amended Complaint.

122. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 122 of the Amended Complaint.

123. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 123 of the Amended Complaint.

124. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 124 of the Amended Complaint.

III. Government Billing Data

125. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 125 of the Amended Complaint.

126. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 126 of the Amended Complaint.

127. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 127 of the Amended Complaint.

128. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 128 of the Amended Complaint.

129. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 129 of the Amended Complaint.

130. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 130 of the Amended Complaint.

131. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 131 of the Amended Complaint.

132. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 132 of the Amended Complaint.

133. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 133 of the Amended Complaint.

CAUSES OF ACTION

**COUNT 1 – VIOLATION OF 31 U.S.C. § 3729(a)(1)(A)
(All Defendants)**

134. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 134 of the Amended Complaint.

135. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 135 of the Amended Complaint.

136. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 136 of the Amended Complaint.

137. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 137 of the Amended Complaint.

138. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 138 of the Amended Complaint.

139. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 139 of the Amended Complaint.

140. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 140 of the Amended Complaint.

141. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 141 of the Amended Complaint.

**COUNT II – Violation of 31 U.S.C. § 3729(a)(1)(B)
(Against All Defendants)**

142. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 142 of the Amended Complaint.

143. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 143 of the Amended Complaint.

144. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 144 of the Amended Complaint.

145. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 145 of the Amended Complaint.

146. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 146 of the Amended Complaint.

147. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 147 of the Amended Complaint.

148. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 148 of the Amended Complaint.

**COUNT III – VIOLATION OF 31 U.S.C. § 3729(a)(1)(C)
(All Defendants)**

149. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 149 of the Amended Complaint.

150. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 150 of the Amended Complaint.

151. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 151 of the Amended Complaint.

152. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 152 of the Amended Complaint.

153. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 153 of the Amended Complaint.

154. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 154 of the Amended Complaint.

155. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 155 of the Amended Complaint.

**COUNT IV – Violation Of New York False Claims Act
State Fin. Law § 189(1)(a)
(All Defendants)**

156. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 156 of the Amended Complaint.

157. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 157 of the Amended Complaint.

158. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 158 of the Amended Complaint.

159. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 159 of the Amended Complaint.

160. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 160 of the Amended Complaint.

161. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 161 of the Amended Complaint.

**COUNT V – Violation Of New York False Claims Act
State Fin. Law § 189(1)(b)
(All Defendants)**

162. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 162 of the Amended Complaint.

163. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 163 of the Amended Complaint.

164. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 164 of the Amended Complaint.

165. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 165 of the Amended Complaint.

166. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 166 of the Amended Complaint.

167. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 167 of the Amended Complaint.

**COUNT VI – Violation Of New York False Claims Act
State Fin. Law § 189(1)(c)
(All Defendants)**

168. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 168 of the Amended Complaint.

169. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 169 of the Amended Complaint.

170. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 170 of the Amended Complaint.

171. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 171 of the Amended Complaint.

172. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 172 of the Amended Complaint.

173. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 173 of the Amended Complaint.

174. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph 174 of the Amended Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Relator demands and prays that judgement be entered against Defendants, jointly and severally, as to the federal claims as follows:

A. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph A of the Prayer for Relief of the Amended Complaint.

B. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph B of the Prayer for Relief of the Amended Complaint.

C. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph C of the Prayer for Relief of the Amended Complaint.

D. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph D of the Prayer for Relief of the Amended Complaint.

E. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph E of the Prayer for Relief of the Amended Complaint.

F. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph F of the Prayer for Relief of the Amended Complaint.

G. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph G of the Prayer for Relief of the Amended Complaint.

H. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph H of the Prayer for Relief of the Amended Complaint.

AND WHEREFORE, Plaintiff-Relator demands and prays that judgment be entered against Defendants, jointly and severally, as to the claims under New York law as follows:

A. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph A of the Prayer for Relief of the Amended Complaint.

B. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph B of the Prayer for Relief of the Amended Complaint.

C. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph C of the Prayer for Relief of the Amended Complaint.

D. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph D of the Prayer for Relief of the Amended Complaint.

E. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph E of the Prayer for Relief of the Amended Complaint.

F. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph F of the Prayer for Relief of the Amended Complaint.

G. On the advice of counsel, Defendant invokes his rights and privileges under the United States Constitution, including the Fifth Amendment, and declines to answer Paragraph G of the Prayer for Relief of the Amended Complaint.

DATED: October 24, 2023
New York, New York

SHER TREMONTE LLP

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Attorneys for Defendant Hafizullah Ebady

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by ECF on October 24, 2023.

/s/ Michael Tremonte

Michael Tremonte